IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH J. KERESTESY,	
Petitioner,	
\mathbf{v} .	CIVIL ACTION NO. 16-399
SUPERINTENDENT, SCI FAYETTE, ET AL.,	HON. NORA BARRY FISCHER
Respondents,	

ORDER OF COURT

AND NOW, this 3rd day of October, 2016, after petitioner Joseph J. Kerestesy filed a petition for writ of habeas corpus in the above-captioned matter, and after a motion to dismiss was filed by the respondents, and after a Report and Recommendation was filed by United States Magistrate Judge Cynthia Reed Eddy giving the parties until October 3, 2016, to file written objections thereto, and petitioner having filed objections, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is DENIED, the motion to dismiss is GRANTED, and a Certificate of Appealability is DENIED. The Clerk of Court shall mark this CASE CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

<u>s/Nora Barry Fischer</u> Nora Barry Fischer United States District Judge cc: Honorable Cynthia Reed Eddy United States Magistrate Judge

All Counsel of Record via CM-ECF